

**REMARKS**

Claims 1-3 and 34-40 are pending in the current application. Claims 1, 3 and 34 are independent claims.

**Sladek, Chow and Boughman**

Claims 1, 3, 34-35, 37 and 40 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sladek in view of Chow and further in view of Boughman. Applicant respectfully traverses this art grounds of rejection.

Sladek discloses a system for control provisioning of telecommunication services. Sladek discloses nothing related to billing services. Initially, Applicant agrees with the Examiner in that “Sladek fails to disclose a user end in operative communication with the service data node, allowing the user to implement service creation and service negotiation without service provider intervention” (page 3 of the Office Action). The Examiner alleges that Chow discloses this particular deficiency of Sladek.

Chow discloses an integrated high bandwidth communication system. The disclosure of Chow provides for a multi-media service access manager (IMSN) 8, which allows a user to request a plurality of services (e.g., voice, data, multi-media and other subscriber services and applications). The IMSN 8 is a manager which coordinates, for example, the services a subscriber has activated. Thus, to request a new service or edit an existing service, the user accesses the IMSN 8, and not the actual service provider providing the service.

Chow discloses various examples of services that the IMSN 8 may coordinate. As shown in Figure 1, the IMSN 8 is connected to the user through a customer service manager (CSM) 6. Chow states that the “CSM 6 will typically be provided by the service provider and is installed in the home at a convenient location, such as in the basement or a utility room”

(column 3, paragraph 40). Chow goes on to state that “CSM also provides the integration mechanism for integrating all the services desired by the subscriber. Thus, CSM 6 is a ‘network edge’ device that interconnects a subscriber’s home to the service provider’s network via UDS pipe 1” (column 3, paragraph 40).

Chow merely discloses a service coordinator to simplify the creation, modification and removal of user services (column 8, paragraph 182). However, Chow does not disclose or suggest anything related to billing.

The Applicant further agrees with the Examiner in that the combination of Sladek and Cho “fails to disclose a service data node module in direct operative communication with the base station controller in the home location registry to coordinate the application and services supported by the home location registry” (page 4 of the Office Action). However, the Examiner seeks to further combine Boughman with Sladek and Chow in order to overcome this particular deficiency.

Boughman is directed to a system and method for a notification of a received toll call. An alert is given to a called party in order to inform the called party that a call is a toll call. Boughman discloses a single service (e.g., toll call notification) provided by a single service provider (e.g., a phone service provider). The Examiner alleges that the billing manager reads on the disclosure of Boughman in column 6, lines 66-column 7, line 9 (page 4 of the Office Action). However, the Boughman disclosure simply relates to connecting a billing system of a specific service provider to a database. The database uses the billing information associated with the user to determine various pricing options for the user. The information network database is not a service data node module. Thus, Boughman simply discloses a carrier billing system in contact with the database and not “a billing manager in operative

communication with the service data node module” as recited in independent claim 1, and similarly recited in independent claims 3 and 34.

As discussed above, the combination of Sladek and Chow are silent on disclosing any type of billing mechanism. Thus, the combination of Sladek, Chow and Boughman cannot disclose or suggest “a billing manager in operative communication with the service data node module” as recited in independent claim 1, and similarly recited in claims 3 and 34.

As such, claims 35, 37 and 40, dependent on independent claim 34, are likewise allowable over Sladek, Chow and Boughman at least for the reasons given above with respect to independent claim 34.

#### **No Motivation to Combine**

Applicant further asserts that the Examiner has not provided requisite motivation to combine Sladek, Chow and Boughman. Sladek and Chow are both directed to a coordination and provisioning of telecommunication services. Boughman, on the other hand, simply relates to a system and method for informing a user when a call is a toll call. Applicant cannot understand why one skilled in the art would combine Sladek and Chow, which disclose nothing related to billing, with the billing system of Boughman, which is simply directed to a service provider billing system for toll calls.

In supporting the motivation to combine Boughman with Sladek and Chow, the Examiner asserts that “it would have been obvious to one of ordinary skill in the art at the time of the invention to include a service data node module in direct operative communication with the base station controller and the home location register to coordinate the applications and services supported by the home location register in order to provide a system and method for alerting wireless telephone users whether a call is a toll call” (page 4 of the Office Action). However, the teachings of Sladek and Chow are unnecessary to inform

a user when a call is a toll call, which is a possible reason why the disclosure of Boughman discloses nothing with respect to service coordination and provisioning.

Applicant respectfully submits that a *prima facie* motivation to combine has not been provided by the Examiner. Rather, it appears that the Examiner is using impermissible hindsight to combine Sladek, Chow and Boughman in a strained attempt to reconstruct the claimed invention. Thus, for at least this additional reason, Applicant respectfully submits that claims 1, 3, 34-35, 37 and 40 are allowable.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

**35 U.S.C. § 103 (a) Sladek, Chow, Boughman and Bianconi**

Claims 2 and 36 stand rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sladek in view of Chow, Boughman and Bianconi. Applicant respectfully traverses this art grounds of rejection.

Initially, it is clear from a cursory review of Bianconi that Bianconi is insufficient in overcoming the suggestion and disclosure deficiencies of Sladek, Chow and Boughman as discussed above with respect to independent claims 1 and 34. Applicant further submits that, as discussed above, there is no motivation to combine Sladek, Chow, and Boughman. Thus, there is likewise no further motivation to combine Sladek, Chow, Boughman and Bianconi.

As such, claims 2 and 36, dependent upon independent claims 1 and 34, respectively, are likewise allowable over Sladek, Chow, Boughman and Bianconi at least for the reasons given above with respect to independent claims 1 and 34.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

**35 U.S.C. § 103 (a) Sladek, Chow, Boughman and Lohtia**

Claim 38 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sladek, Chow, Boughman and Lohtia. Applicant respectfully traverses this art grounds of rejection.

Initially, it is clear from a cursory review of Lohtia that Lohtia is insufficient in overcoming the suggestion and disclosure deficiencies of Sladek, Chow and Boughman as discussed above with respect to independent claim 34. Applicant further submits that, as discussed above, there is no motivation to combine Sladek, Chow, and Boughman. Thus, there is likewise no further motivation to combine Sladek, Chow, Boughman and Lohtia.

As such, claim 38, dependent upon independent claim 34, is likewise allowable over Sladek, Chow, Boughman and Lohtia at least for the reasons given above with respect to independent claim 34.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

**35 U.S.C. § 103 (a) Sladek, Chow, Boughman and Sarkki**

Claim 39 stands rejected under 35 U.S.C. § 103 (a) as being unpatentable over Sladek, Chow, Boughman and Sarkki. Applicant respectfully traverses this art grounds of rejection.

Initially, it is clear from a cursory review of Sarkki that Sarkki is insufficient in overcoming the suggestion and disclosure deficiencies of Sladek, Chow and Boughman as discussed above with respect to independent claim 34. Applicant further submits that, as discussed above, there is no motivation to combine Sladek, Chow, and Boughman. Thus, there is likewise no further motivation to combine Sladek, Chow, Boughman and Sarkki.

As such, claim 39, dependent upon independent claim 34, is likewise allowable over Sladek, Chow, Boughman and Sarkki at least for the reasons given above with respect to independent claim 34.

Applicant respectfully requests that the Examiner withdraw this art grounds of rejection.

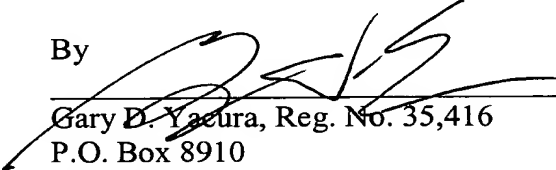
**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,  
HARNES, DICKEY, & PIERCE, P.L.C.

By

  
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